

MANUFACTURED OR MOBILE HOME RETAILERS

Footnotes

Court action required for termination of installment contracts during military service; § 29A.102, 29A.105

Court action or parties agreement required for disposition of property under obligation secured by mortgage, trust deed, or other security during military service; § 29A.103, 29A.104

322B.1 Short title.

This chapter may be cited as the "*Manufactured or Mobile Home Retailers Licensing Act*".

[C81, § 322B.1]

2001 Acts, ch 153, §1

322B.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "*Department*" means the state department of transportation.
2. "*Home*" means a manufactured home, mobile home, or modular home.
3. "*Manufactured home*" means a factory-built structure built under the authority of 42 U.S.C. § 5403, that is required by federal law to display a seal required by the United States department of housing and urban development, and was constructed on or after June 15, 1976.
4. "*Manufactured or mobile home distributor*" means a person who sells or distributes manufactured or mobile homes to manufactured or mobile home retailers.
5. "*Manufactured or mobile home manufacturer*" means a person engaged in the business of fabricating or assembling manufactured or mobile homes.
6. "*Manufactured or mobile home retailer*" means a person who, for a commission or other thing of value, sells, exchanges, or offers or attempts to negotiate a sale or exchange of an interest in a home or who is engaged wholly or in part in the business of selling homes, whether or not the homes are owned by the retailer. "*Manufactured or mobile home retailer*" does not include any of the following:
 - a. A receiver, trustee, administrator, executor, guardian, attorney, or other person appointed by or acting under the judgment or order of a court to transfer an interest in a home.
 - b. A person transferring a home registered in the person's name and used for personal, family, or household purposes, if the transfer is an occasional sale and is not part of the business of the transferor.
 - c. A person who transfers an interest in a home only as an incident to engaging in the business of financing new or used homes.
 - d. A person who exclusively sells modular homes.
7. "*Mobile home*" means a structure, transportable in one or more sections, which exceeds eight feet in width

and thirty-two feet in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to one or more utilities. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

8. "Modular home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted pursuant to section 103A.7, and displays a seal issued by the state building code commissioner.

9. "New home" means a home that has not been sold at retail.

10. "Preowned home" means a home that has been previously sold at retail.

11. "Retailer's inventory" means homes offered for sale at the retailer's licensed address or at any mobile home park or land-leased community so long as the title of the home is in the retailer's name and the home is not being occupied.

12. "Sell at retail" means to sell a home to a person who will devote it to a consumer use.

[C81, § 322B.2]

88 Acts, ch 1134, § 68; 98 Acts, ch 1126, §1, 2; 99 Acts, ch 188, §15; 2001 Acts, ch 153, §2; 2001 Acts, ch 176, §66, 82; 2004 Acts, ch 1086, §61

322B.3 Manufactured or mobile home retailer license procedure.

1. *License application.* A manufactured or mobile home retailer shall file in the office of the department an application for license as a manufactured or mobile home retailer in the same manner as a motor vehicle dealer applicant under section 322.4 or as the department may prescribe. A manufactured or mobile home retailer license may be issued in the same manner as a motor vehicle dealer license pursuant to section 322.7.

2. *License fees.* The license fee for a manufactured or mobile home retailer is seventy dollars for a two-year license, one hundred forty dollars for a four-year license, or two hundred ten dollars for a six-year license. If the application is denied, the department shall refund the fee. Fees and funds accruing from the administration of this chapter shall be accounted for and paid by the department to the treasurer of state monthly for deposit in the road use tax fund of the state.

3. *Surety bond.* Before the issuance of a manufactured or mobile home retailer's license, an applicant for a license shall file with the department a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of fifty thousand dollars, and be conditioned upon the faithful compliance by the applicant as a retailer with all of the statutes of this state regulating the business of the retailer and indemnifying any person dealing or transacting business with the retailer in connection with a manufactured or mobile home from a loss or damage occasioned by the failure of the retailer to comply with this chapter, including, but not limited to, the furnishing of a proper and valid document of title to the manufactured or mobile home involved in the transaction.

4. *Permits for fairs, shows, and exhibitions.* Manufactured or mobile home retailers, in addition to selling homes at their principal place of business and lots, may, upon receipt of a temporary permit approved by the department, display and offer new manufactured homes for sale and negotiate sales of new manufactured homes at fairs, shows, and exhibitions. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Temporary permits shall be issued for a period not to exceed fourteen days.

5. *Manufactured or mobile home hookups.* A manufactured or mobile home retailer or an employee of a manufactured or mobile home retailer may perform water, gas, electrical, and other utility service connections in a manufactured or mobile home space, or within ten feet of such space, located in a manufactured home community or mobile home park, and the retailer or an employee of the retailer may install a tiedown system on a manufactured or mobile home located in a manufactured home community or mobile home park. The connections are subject to inspection and approval by local building code officials and the manufactured or mobile home retailer shall pay the inspection fee, if any.

[C81, § 322B.3; 82 Acts, ch 1009, § 1]

92 Acts, ch 1175, § 16; 98 Acts, ch 1075, §28; 98 Acts, ch 1126, §3, 4; 99 Acts, ch 114, §22; 2001 Acts, ch 32, §38; 2001 Acts, ch 153, §3

322B.4 License application and fees.

Upon application and payment of a thirty-five dollar fee, a person may be licensed as a manufacturer or distributor of manufactured or mobile homes. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December 31 of the calendar year for which the license was granted. A licensee shall have the month of December of the calendar year for which the license was granted and the following month of January to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

[C81, § 322B.4]

98 Acts, ch 1126, §5; 2000 Acts, ch 1016, §23; 2001 Acts, ch 153, §4

322B.5 Notification.

The department shall notify the state building code commissioner of each license issued to a manufactured or mobile home retailer.

[C81, § 322B.5]

2001 Acts, ch 153, §5

322B.6 Revocation, suspension, and denial of license.

The department may revoke, suspend, or refuse the license of a manufactured or mobile home retailer, manufacturer, or distributor, as applicable, if the department finds that the manufacturer, distributor, or retailer is guilty of any of the following acts or offenses:

1. Fraud in procuring a license.
2. Knowingly making misleading, deceptive, untrue or fraudulent representations in the business of a manufacturer, distributor, or retailer or engaging in unethical conduct or practice harmful or detrimental to the public.
3. Conviction of a felony related to the business of a manufacturer, distributor, or retailer. A copy of the record of conviction or plea of guilty shall be sufficient evidence for the purposes of this section.

4. Failing upon the sale or transfer of a manufactured or mobile home to deliver to the purchaser or transferee of the manufactured or mobile home sold or transferred, a manufacturer's or importer's certificate, or a certificate of title duly assigned, as provided in chapter 321.

5. Failing upon the purchasing or otherwise acquiring of a manufactured or mobile home to obtain a manufacturer's or importer's certificate, a new certificate of title, or a certificate of title duly assigned as provided in chapter 321.

6. Failing to apply for and obtain from a county treasurer a certificate of title for a used manufactured or mobile home, titled in Iowa, acquired by the retailer within thirty days from the date of acquisition, as required under section 321.45, subsection 4.

In accordance with chapters 10A and 17A, each person whose license or application is revoked, suspended, or refused shall be provided an opportunity for a hearing before the department of inspections and appeals.

[C81, § 322B.6]

87 Acts, ch 130, § 6; 89 Acts, ch 273, § 7, 8; 98 Acts, ch 1126, §68; 99 Acts, ch 188, §16; 2001 Acts, ch 153, §6

322B.7 Rules.

1. The state department of transportation shall prescribe reasonable rules under chapter 17A for the administration and enforcement of this chapter.

2. The department shall prescribe forms to be used in connection with the licensing of persons under this chapter.

[C81, § 322B.7]

322B.8 Unlawful practice.

It is unlawful for a person to engage in business as a manufactured or mobile home retailer, manufactured or mobile home manufacturer, or manufactured or mobile home distributor in this state without first acquiring and maintaining a license in accordance with this chapter. A person convicted of violating the provisions of this section is guilty of a serious misdemeanor.

[C81, § 322B.8]

98 Acts, ch 1126, §9; 2001 Acts, ch 153, §7

322B.9 Manufactured home, mobile home, and modular home retail installment contract finance charge.

A retail installment contract or agreement for the sale of a manufactured home, mobile home, or modular home may include a finance charge not in excess of an amount equivalent to one and three-fourths percent per month simple interest on the declining balance of the amount financed.

"Amount financed" shall be as defined in section 537.1301.

The limitations contained in this section do not apply in a transaction referred to in section 535.2, subsection 2. With respect to a consumer credit sale, as defined in section 537.1301, the limitations contained in this section supersede conflicting provisions of chapter 537, article 2, part 2.

[C79, § 537.2602; C81, § 322B.9; 82 Acts, ch 1153, § 2, 18(1)]

2001 Acts, ch 153, §8